

2016 CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD APPOINTMENTS

EXECUTIVE SUMMARY

The terms of all Calgary Subdivision and Development Appeal Board (SDAB) members expire on 2015 December 31. As a result, the appointment of members to the 2016 SDAB is required.

CITY CLERK'S RECOMMENDATIONS

That Council:

1. Consider the SDAB interview panel's Recommendation to appoint the individuals named in Attachment 1 as members to serve on the Subdivision and Development Appeal Board for the proposed terms of appointment;
2. Direct that this report and Attachments 1 and 3 remain confidential under Sections 24(1)(a) and (d) of the *Freedom of Information and Protection of Privacy Act* until Council rises and reports at the 2015 December 07 Combined Meeting of Council; and,
3. Direct that Attachments 2, 5 and 6 remain confidential under Sections 17(1) and 17(4)(d) of the *Freedom of Information and Protection of Privacy Act*.

PREVIOUS COUNCIL DIRECTION / POLICY

Appointments to the Calgary Subdivision and Development Appeal Board are made by Council resolution under authority of the Calgary Subdivision and Development Appeal Board Bylaw, Bylaw 25P95, as amended.

By adoption of Report PAC2009-21 (Attachment 8), Council established a process by which potential SDAB members are screened for relevant qualifications by an interview panel named by the incumbent SDAB Chairman. It also established mandatory experience requirements for members of the Board, including:

- the operation of quasi-judicial boards or administrative tribunals;
- community representation or knowledge of community issues;
- architecture;
- law;
- engineering/construction; or
- urban planning/development.

Only those who have "been a resident of the City of Calgary for at least six consecutive months immediately prior to his/her appointment," and who have "a strong interest in the complexities and challenges of development in the City of Calgary" are eligible for appointment to the Board (PAC2009-21). Good analytical skills, the ability to be fair and open-minded, and a capacity to work collaboratively with the Chair and other Board members are also welcome qualities.

At its 2013 May 27 meeting, Council adopted recommendations of Report PFC2013-0431 to make organizational changes to the Board, including expanding the size of the Board and allowing for terms of appointment of up to two years.

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On 2013 July 29, Council passed Bylaw 37M2013, amending the SDAB Bylaw to effect these changes and also allowing for the appointment of supernumerary members.

Supernumerary members are individuals who have served for at least two years as Board members in the past. Supernumerary members are available to participate, at the discretion of the Chair, in the hearing of appeals when the Board is challenged to meet quorum for a particular SDAB meeting.

Finally, on 2015 July 27, Council adopted recommendations of the City Solicitor's Report on Subdivision and Development Appeal Board Matters, and gave three readings to Bylaw 30M2015, which:

- established appointment of the Board's Chair by Council, on having considered the recommendations of the Board;
- eliminated appointments of Councillors to the Board;
- established a 10 year term limit for members, the calculation of which is to commence in 2016; and,
- dealt with other succession planning matters.

BACKGROUND

The *Municipal Government Act* requires that municipalities establish, by bylaw, a subdivision and development appeal board.

Members of the Board must be 18 years of age or older, be Canadian citizens who have resided in Alberta for six consecutive months prior to the date of their application, and be current residents of the city of Calgary.

In accordance with the *Municipal Government Act*, employees of The City of Calgary, members of the Calgary Planning Commission and those who carry out subdivision or development powers, duties and functions on behalf of The City cannot be appointed to the Board.

Members of the Calgary SDAB are generally appointed for two-year staggered terms; this enhances the institutional independence of the Board, supports continuity of membership and operations and facilitates the mentoring of new members. It is the practice of the Calgary SDAB that new members be recommended for one year initial appointments: this allows for a evaluation of each new member's performance and their suitability for a second, longer appointment to the Board. Upon expiration of the first term, members could be considered eligible for a two-year term. The SDAB and the City Clerk monitor the distribution of Board appointments annually to ensure that there is a relatively equitable staggering of terms expiring in even and odd years.

The 2014 citizen members appointed by Council were appointed to either one or two year terms; however, when Council considered the 2015 appointments, all members of the Board were appointed for one year, resulting in the expiry of all SDAB member terms on 2015 December 31.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

A total of forty-six applications were received within the application deadline, including:

- Sixteen incumbent regular members;
- twenty-five new external candidates; and
- five incumbent supernumerary members.

One additional application was received from an incumbent regular member after the deadline, due to his being out of the country during the application period. Although the application was late, the Board recommends appointing the member notwithstanding the late application, due to the extenuating circumstances and the valuable subject-matter expertise the member contributes to the Board (Attachment 2).

The interview panel included the incumbent Chair, the Vice-Chair and one Board member. The Chair of the Board indicates that the interview process helped the interview panel differentiate between candidates on a number of grounds, and that the recommended candidates stood out from other applicants through the interview process (Attachment 2).

Council may, in accordance with the SDAB Bylaw, appoint a minimum of twelve to a maximum of eighteen regular members and a maximum of seven supernumerary members to the Board for 2016. If Council appoints all of the individuals recommended by the interview panel, the Calgary SDAB would be brought to its maximum allowable membership capacity.

Of the seventeen incumbent regular board members seeking reappointment, the interview panel recommends fourteen for reappointment as regular members and two for appointment as supernumerary members. The interview panel is also recommending the appointment of four new regular members and the reappointment of all five incumbent supernumerary members.

	Regular Member Appointments		Supernumerary Member Appointments	
	Applied	Recommended	Applied	Recommended
Incumbent Regular Members	17	14	0	2
Incumbent Supernumerary Members	-	-	5	5
New Candidates	25	4	-	-
Totals	42	18	5	7

SDAB members bring a wide range of experience and subject-matter expertise to the Board. Attachment 3 (2016 SDAB Applicants Background and Experience Matrix) summarizes the diversity of expertise and competencies of the recommended candidates to the 2016 SDAB, and it provides a breakdown based on qualifications for membership that were adopted by Council in Report PAC2009-21 (Attachment 8).

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Stakeholder Engagement, Research and Communication

Letters were mailed to current members to solicit their interest in reappointment. The deadline for submission of applications was 2015 October 09. One member submitted their expression of interest after the deadline.

Advertising, notices or articles inviting applications for membership to the 2016 Calgary SDAB appeared as follows:

- Calgary Herald - 2015 October 01 (Attachment 7)
- Calgary Metro News – 2015 October 01
- Calgary Herald mobile banners and website
- Twitter – promoted tweets for each board, in addition to tweets from City of Calgary and members of Council
- Paid and unpaid Facebook posts
- Alberta Professional Planners Institute website and eNewsletter from 2015 September 28 to 2015 October 09
- LinkedIn
- Calgary.ca
- Calgarysdab.ca
- Federation of Calgary Communities newsletter
- Community Newsletters

Candidates were referred to either the Quasi-Judicial Boards website, calgary.ca/tribunals, or to the Board's website, www.calgarysdab.ca, where additional detailed information about membership on the SDAB was available during the recruitment period.

Strategic Alignment

The recommendations in this report align with Council's priority relating to a well-run city.

Social, Environmental, Economic (External)

None.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

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Risk Assessment

The *Municipal Government Act* requires municipalities to appoint subdivision and development appeal boards. Delays in the appointment of board members could compromise the Board's capacity to meet its obligation to hear and decide appeals within statutory timelines; furthermore, delays in adjudicating planning and development disputes could pose significant economic costs to individual citizens and/or the development industry.

REASONS FOR RECOMMENDATIONS:

The Board's interview panel recommends the appointment of eighteen regular members and seven supernumerary members to the Board. A total of four new candidates are included in the recommendations for appointment to the Board.

The names of the members recommended for membership and their proposed terms of appointment to facilitate the staggering of terms are provided in Attachment 1.

ATTACHMENTS

1. Recommendations for Appointments and Terms to the 2016 Subdivision and Development Appeal Board
2. Chair's letter regarding the interview panel's recommendations (distributed in advance)
3. 2016 SDAB applicants background and experience matrix
4. 2015 SDAB member biographies
5. Applications of the recommended candidates (distributed in advance)
6. Applications of the non-recommended candidates (distributed in advance)
7. Calgary Herald advertisement
8. Council Report PAC2009-21